

## REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Applicant has cancelled the non-elected and withdrawn claims.

Applicant acknowledges with thanks the Examiner's indication that Claims 26-27 and 32-33 contain allowable subject matter.

The Examiner objects to the disclosure because a typographical error appears on Page 5 line 1. Appropriate correction has been made and Applicant requests that this objection be withdrawn.

Claims 25-30 are rejected under 35 USC 112 second paragraph. Claim 30 has been amended to recite the appropriate sub-part numbering. With respect to claim 25, applicant traverses the Examiner's rejection. In particular, the specification section reproduced below,, using bolded terms for emphasis, demonstrates that the "new data stream timing reference" is the "new data stream real-time transmit start time", which is the "PCR (new)":

"FIG. 9B further illustrates that, in order to display motion video without producing a video artifact commonly referred to as rollover, a constant known delay must occur between the start of display for a first frame and the start of display for a next frame that is equal to the scan time for one video frame. With NTSC encoding, for example, the inter-frame delay is approximately 33 msec. It is therefore observed that a seamless splice can be achieved by providing a **reliable timing reference** that takes into account transmission-to-decoding delay (and thus, receipt-to-decoding delay), and that assures display of a new stream commensurate with the inter-frame display delay.

The FIG. 10 flowchart illustrates how a preferred splicer preferably **determines a new data stream real-time transmit start time** (step 420 of FIG. 4). Broadly stated, steps 1010 and 1020 produce values relating to only the new stream, while steps 1030 through 1050 use these values to establish a new data stream transmission time corresponding to the old data stream. More specifically, in step 1010, **splicer-N 270 retrieves the PCR ("PCR (new)") for the first packet of the new data stream**. In step 1020, **splicer-N 270 calculates the time difference ("delta(new)") between transmission time for the first sequence header of the new data stream and the decoding time stamp ("DTS (new)") of the first frame of the new stream (which was stored earlier), as given by the equation ..."**

According to the equations that follow, the "PCR (new)" corresponds with a timing gap as described in Claim 25 (a) and therefore the "modified new data stream timing reference" likewise corresponds to that timing gap. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31, 34-42 and 44-45 are rejected under 35 USC 102(e) as being anticipated by Lyons et al. 6,101,195. Claims 25, 28-30 and 32-33 are rejected under 35 USC 103(a) as being unpatentable over Lyons 6,101,195 in view of Hurst Jr. In an effort to expedite allowance of the application, applicant has amended the independent claims to more clearly recite allowable subject matter, and, as amended, traverses the Examiner's rejection. Applicant reserves the right to pursue the claims in their previous form in a continuation application.

In each of the currently pending independent claims, the phrase, "without the use of a clock reference signal" has been added to the step of modifying a current timing reference to further distinguish from the cited references. In the present invention, the current timing reference is modified using only information that is available on the data streams. As described in the present application, for example with reference to steps 1040 and 1050 shown in Figure 10 and accompanying description in the specification, information is derived from the various streams to generate a current timing reference, while avoiding the use of a clock reference signal.

In contrast, both Lyons (see column 2, lines 21-24; column 3, lines 34-37; column 11, lines 14-16) and Hurst (see column 10, lines 36-39) require the usage of a timing reference in order to decode and process information and thereby calculate new timing information. With respect to Hurst, it is further noted that Hurst is limited to audio only (column 17, line 54) and the "gap" introduced in the in the audio is required to align audio with video around a splice point and retain lip sync. Hurst then teaches that the audio presentation time stamps are adjusted by the same adjustment applied to the video frames -- which adjustment, as noted above, requires a clock reference signal.

Accordingly, Lyons does not anticipate those claims that are rejected as being anticipated, and Lyons in view of Hurst does not render obvious those claims that are rejected on obviousness grounds. Accordingly, withdrawal of this rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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